

Assembly Bill No. 1361

Passed the Assembly July 16, 2009

Chief Clerk of the Assembly

Passed the Senate July 16, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 35655.6 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1361, Portantino. Vehicles: commercial vehicle ban: State Route 2.

(1) Existing law authorizes the Department of Transportation to declare and fix a weight limit for a highway under its jurisdiction that is less than the maximum weight limits otherwise authorized under the Vehicle Code, upon determining that the highway will not sustain those maximum weights and, after conducting a public hearing on the issue, determining the maximum weight that the highway will sustain. The department is prohibited from establishing a maximum weight limit that is less than 16,000 pounds. A violation of the Vehicle Code is a crime.

This bill would prohibit, with specified exemptions, the operation of a commercial vehicle with 3 or more axles, or a gross vehicle weight or a combined gross weight of 9,000 pounds or more on the segment of State Route 2 that is located between Interstate Route 210 (I-210) in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) in the County of Los Angeles. The bill would provide that, upon conviction, a violation of the above prohibition is subject to a fine of \$1,000. Because the bill would create a new crime, this bill would impose a state-mandated local program. The bill would require the department to erect suitable signs to give adequate notice of the prohibition.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 35655.6 is added to the Vehicle Code, to read:

35655.6. (a) Except as provided in subdivision (b), a person shall not drive a commercial vehicle with three or more axles, or a gross vehicle weight or a combined gross weight of 9,000 pounds or more, on the segment of State Route 2 (SR-2) that is located between Interstate Route 210 (I-210) in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) in the County of Los Angeles.

(b) Subdivision (a) does not apply to any of the following vehicles:

(1) An authorized emergency vehicle.

(2) A vehicle operated by a publicly or privately owned public utility.

(3) A vehicle operated by a government agency.

(4) A transit bus servicing facilities accessible only from that portion of State Route 2 specified in subdivision (a).

(5) A tow truck providing assistance to a vehicle that is accessible only from that portion of State Route 2 specified in subdivision (a).

(6) A commercial vehicle making deliveries to or from, or servicing, property that is either of the following:

(A) Located within the city limits of the City of La Canada Flintridge.

(B) Is accessible only from the portion of State Route 2 specified in subdivision (a).

(7) A commercial vehicle involved in a motion picture, commercial, or television production conducting motion picture, commercial, or television production activities in areas that are accessible only from that portion of State Route 2 specified in subdivision (a).

(c) A person who violates this section shall, upon conviction, be punished by a fine pursuant to subdivision (a) of Section 42030 or one thousand dollars (\$1,000), whichever is greater.

(d) The Department of Transportation shall erect suitable signs at each end of the portion of State Route 2 specified in subdivision (a) and any other points that the department deems necessary to give adequate notice of the prohibition pursuant to this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because a recent accident caused the Department of Transportation to issue a 90-day moratorium on commercial vehicles on State Route 2 between Interstate Route 210 in the City of La Canada Flintridge and County Route N4 (Big Pine Highway) to allow for a long-term legislative solution, it is necessary for this measure to take effect immediately to preserve the public peace, health, or safety.

Approved _____, 2009

Governor